

REMARKS

The Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-12 were previously canceled.

Claims 13 and 19 are requested to be canceled.

Claims 14-18, 20, 21, 23 and 26 are currently being amended.

Claims 27-44 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 14-18 and 20-44 (30 claims) are now pending in this application.

On page 2 of the Office Action, the Examiner acknowledges that the previous rejection of claims 13-25 under 35 U.S.C. § 112, second paragraph has been overcome by the Applicant's amendment filed on June 22, 2006.

The Applicant notes that the claim amendments described in such prior amendment were intended to clarify the language used in the amended claims and are in no way intended as limiting or to obtain patentability of such claims. Accordingly, it is believed by the Applicant that the amendment made to the claims in no way impair the ability of the Applicant to obtain the full scope of such claims as may be available under the Doctrine of Equivalents.

**Allowable Subject Matter**

On page 5 of the Office Action, claims 18, 20, and 21 were objected to as being depended upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18, 20 and 21 have been amended. Claim 18 is rewritten to include the limitations of claim 13 from which it depends. Claim 20 is rewritten to include the limitations of claims 19 and 13 from which it depends. Claim 21 is rewritten to include the limitations of claim 13 from which it depends. Claims 13 and 19 have been canceled.

The claims that originally depended either directly or indirectly from claim 13 (claims 14-17 and 22-26 [9 claims]) have been amended to now depend from independent claim 18, as amended.

The Applicant has also added new claims 27-30 which depend from independent claim 20, as amended and new claims 31-35 which depend either directly or indirectly from independent claim 20, as amended. Please note that claims 27-30 correspond to claims 14-17 and claims 31-35 correspond to claims 22-26.

The Applicant has added new claims 36-39 which depend directly from independent claim 21, as amended and new claims 40-44 which depend directly or indirectly from independent claim 21, as amended. Please note that claims 36-39 correspond to claims 14-17 and claims 40-44 correspond to claims 22-26.

While the Applicant agrees that claims 18, 20, and 21 recite a combination of subject matter, that is patentable over the cited references the Applicant does not necessarily agree with or acquiesce with the statement of reasons for allowance considered by the Examiner. Moreover, the Applicant notes that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicant expressly reserves the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present application or in any other future proceeding.

**Claim Rejections 35 U.S.C. § 102**

On page 2 of the Office Action, the Examiner has rejected claims 13, 14, 16, 17, 24, 25, and 26 under 35 U.S.C. § 102(b) as being anticipated by German Patent 19630189.

Claim 13 is in independent form and claims 14-17 and 24-26 depend either directly or indirectly from independent claim 13.

As stated above, the Applicant has canceled claim 13 and have amended the dependent claims that now depend from independent claim 18 as amended. Accordingly, the Examiner's rejection of the cited claims under 35 U.S.C. § 102(b) is moot.

**Claim Rejections 35 U.S.C. § 103**

On pages 3-5 of the Office Action, the Examiner has rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over the German patent in view of Mitchelin et al (USPN: 6,042,145); claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the German patent in view of McClintock, et al (USPN: 6,369,529); claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the German patent in view of Riaon, et al (USPN: 4,379,539).

In all of the 35 U.S.C. § 103(a) rejections, the Examiner relies on the German patent as the principal reference. As stated in the previous amendment, the German patent does not provide for a backrest (3) that moves relative to the seat part (2) in one of a fold-over function and an inclination-adjusting function. The Applicant notes that the German patent as illustrated in Fig. 1 does not show a fold-over function but only shows an inclination-adjusting function.

The Applicant, as stated above, has canceled claim 19 and have amended the claim 18 which the Examiner has indicated is allowable if rewritten in independent form. The Applicant has also amended claims 22 and 23 which depend directly or indirectly from independent claim 18, as amended. Accordingly, the Applicant submits that the Examiner's rejection of the cited claims under 35 U.S.C. § 103(a) is moot.

**Response to Amendments/Arguments**

On page 5 of the Office Action, the Examiner states that the Applicant's response has been fully considered. "Applicant argues that the vehicle seat having a backrest that is moved relative to a seat part in one of a fold-over function and an inclination-adjusting function as required by independent claim 13, is not disclosed, taught or suggested by German patent 19630189. Fig. 1 of German patent 19630189 explicitly shows the backrest part being folded over the seat part. In paragraph 6 of col. 1 of the German patent explicitly discloses inclination position adjustment of the backrest part."

The Applicant has canceled independent claim 13. Further the Applicant states that the German patent does not show a fold-over function as described and claimed in the present application. The Applicant submits that the German application only shows an inclination-adjusting function as depicted in German patent Fig. 1 which is not the same as the fold-over function described and claimed in the present application and illustrated in the Figure of the present application.

It is submitted that each outstanding objection and rejection to the Application has been overcome and that the application is in condition for allowance. The Applicant requests consideration and allowance of all pending claims 14-18, 20, 21, 22-44.

The Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

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